

Bill No. 20-09
Concerning: Boards, Committees, and
Commissions - Committee Evaluation
Review Board (CERB)
Recommendations
Revised: 4/16/2009 Draft No. 1
Introduced: April 21, 2009
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Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Leventhal

AN ACT to:

- (1) establish an Agricultural Advisory Committee;
- (2) establish the Agricultural Preservation Advisory Board and the Rustic Roads Advisory Committee as subcommittees of the Agricultural Advisory Committee;
- (3) terminate the recreation advisory boards and the Committee on Hate/Violence;
- (4) rename and amend the duties of the Committee on Ethnic Affairs; and
- (5) generally amend County law regarding the membership, structure, and functions of boards, committees, and commissions.

By amending

Montgomery County Code
Chapter 2B, Agricultural Land Preservation
Section 2B-1

Chapter 27, Human Rights and Civil Liberties
Sections 27-53 through 27-57, 37-61, and 27-63

Chapter 41, Recreation and Recreation Facilities
Sections 41-21 through 41-30

By adding

Montgomery County Code
Chapter 2B, Agricultural Land Preservation
Article III, Agricultural Advisory Committee
Section 2B-20

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Section 2B-1, 49-77, and 49-80 are amended and Section 2B-20 is added as follows:

2B-1. Definitions.

* * *

Agricultural Board or *APAB* means the County Agricultural Preservation Advisory Board, a subcommittee of the Agricultural Advisory Committee established under Section 2B-20.

* * *

Article III. Agricultural Advisory Committee

2B-20. Agricultural Advisory Committee.

(a) *Definitions.* In this Section, “Committee” means the Agricultural Advisory Committee.

(b) *Established.* The Executive must appoint, subject to confirmation by the Council, an Agricultural Advisory Committee.

(c) *Composition; Term.*

(1) The Committee has 19 voting members.

(2) The Executive should appoint:

(A) 8 members to a 3 year term who are bona fide farmers who represent the total farm community and reflect a variety of farm sizes, geographical locations and agricultural projects, at least 3 of whom must be owner-operators of commercial farm land earning 50% or more of their income from farming, and including;

(i) 1 farm economist; and

(ii) 1 conservationist;

(B) 3 members to a 1 year term who have no significant direct financial interest in farming, to represent broad non-farm County interests; and

(C) the following members to a 3 year term:

(i) 1 member who knows rural preservation techniques through practical experience and training;

(ii) 1 member who knows roadway engineering through practical experience and training;

(iii) 1 member who represents civic associations located in the Agricultural Reserve; and

(iv) 1 member who represents civic associations in areas located outside the Agricultural Reserve where there are rustic roads.

(3) The Committee may designate ex-officio members as necessary.

(4) Notwithstanding subparagraph (2), those members who are appointed to the Agricultural Preservation Advisory Subcommittee serve a 5 year term.

(5) If a member is appointed to fill a vacancy before a term expires, the successor serves the rest of the unexpired term.

(d) Officers, meetings, subcommittees, and compensation.

(1) The Committee must elect a chair and vice-chair from among the Committee's members.

(2) The Executive must designate, subject to confirmation by the Council, a Rustic Roads Advisory Subcommittee. The Subcommittee must consist of 3 members appointed under subparagraph (c)(2)(A) and the 4 members appointed under subparagraph (c)(2)(C). The Chair of the Planning Board must

53 designate a member of the planning staff as a non-voting
 54 Subcommittee member.

55 (3) The Executive must designate, subject to confirmation by the
 56 Council, an Agricultural Preservation Advisory Subcommittee.
 57 This subcommittee serves as the Agricultural Preservation
 58 Advisory Board required under §2-504.1 of the Agriculture
 59 Article of the Maryland Code and established in County Code
 60 §2B-2.

61 (4) A member serves without compensation. However, a member
 62 may request reimbursement for mileage and dependent care costs
 63 at rates established by the County.

64 (e) Duties.

65 (1) The Commission must:

66 (A) advise the Executive and Council on all matters affecting
 67 agriculture in the County;

68 (B) bring matters of particular importance to the attention of
 69 the Executive and Council; and

70 (C) comment on matters referred to it by the Executive and
 71 Council.

72 (2) The Rustic Roads Advisory Subcommittee must:

73 (A) promote public awareness and knowledge of the County
 74 rustic roads program;

75 (B) review and comment on classification of rustic roads and
 76 exceptional rustic roads; and

77 (C) review and comment on Executive Regulations and other
 78 County policies and programs that may affect the rustic
 79 roads program.

(f) Annual Report. By December 1 each year, the Committee must submit to the Executive and Council an annual report that:

(1) outlines its activities;

(2) identifies problems affecting agriculture in the County;

(3) make recommendations for government programs that may be necessary to maintain a healthy agricultural economy in the County; and

(4) reports on the status of the rustic roads program.

(g) Staff. The Chief Administrative Officer must provide appropriate staff to the Committee.

49-77. Definitions.

In this Article, the following terms have the meanings indicated:

[Committee means the Rustic Roads Advisory Committee.]

* * *

49-80. [Rustic Roads Advisory Committee] Reserved.

[(a) *Membership.* The County Executive must appoint, subject to confirmation by the County Council, a Rustic Roads Advisory Committee. The Committee has 7 voting members. Each member must be a resident of the County. The Executive should appoint:

(1) 3 members who are owner-operators of commercial farmland earning 50 percent or more of their income from farming;

(2) one member who knows rural preservation techniques through practical experience and training;

(3) one member who knows roadway engineering through practical experience and training;

(4) one member who represents civic associations located in the Agricultural Reserve; and

(5) one member who represents civic associations in areas located outside the Agricultural Reserve where there are rustic roads.

The Chairman of the Planning Board must designate a member of the planning staff as a non-voting Committee member.]

[(b) *Officers.* The Committee must elect a chair annually. The Committee may select other officers annually as it finds appropriate. A member must not serve as chair for more than 2 consecutive years.]

[(c) *Meetings.* The Committee must meet at the call of the chair as often as required to perform its duties, but at least 6 times each year. The Committee must also meet if two-thirds of the voting members request in writing that a meeting be held. The Chair must give reasonable advance notice of all meetings to members of the Committee and the public. A majority of the members are a quorum to transact business.]

[(d) *By-laws.* The Committee may adopt by-laws to govern its activities.]

[(e) *Duties.* The Committee must:

- (1) promote public awareness and knowledge of the County rustic roads program;
- (2) review and comment on classification of rustic roads and exceptional rustic roads;
- (3) review and comment on Executive Regulations and other County policies and programs that may affect the rustic roads program; and
- (4) report on June 1 of each even numbered year to the Executive, the Council, and the Planning Board on the status of the rustic roads program.]

[(f) *Staff.* The Chief Administrative Officer must provide the Committee with staff, offices, and supplies as are appropriated for it.]

Sec. 2. Sections 41-21 through 41-30 are amended as follows:

41-21. Recreation board.

- (a) There is a County Recreation Board. Each member is appointed by the County Executive and confirmed by the County Council for a 3-year term beginning on July 1. A member serves until a successor is appointed and confirmed.
- (b) The voting members of the Board are:
 - (1) 1 representative from each [recreation area advisory board] Regional Service Center's Citizens Advisory Board; and
 - (2) 15 members appointed from the County at-large to represent a cross-section of the population of the County.
- (c) The ex officio, nonvoting members of the Board are:
 - (1) a representative of the Department of Parks of the Maryland-National Capital Park and Planning Commission;
 - (2) an administrative representative of the Board of Education;
 - (3) the immediate past Chair of the County Recreation Board, unless that person serves on the Board in another capacity;
 - (4) a representative of the Office of Community Use of Public Facilities;
 - (5) a representative of the Community Action Board;
 - (6) a representative of the Commission on Aging; and
 - (7) a representative of the Commission on People with Disabilities.
- (d) The Executive must also appoint 3 members to each Regional Service Center Citizens Advisory Board to serve as a subcommittee on recreation issues. Each subcommittee must advise the Advisory Board to which it reports on recreation (but not parks) needs in that geographic

area, and must communicate regularly, through the Advisory Board,
with the County Recreation Board.

41-22. Same-Duties and responsibilities.

The County Recreation Advisory Board must:

* * *

(h) [Coordinate the activities of the recreation area advisory boards]
collaborate with the various Regional Service Center Citizens Advisory
Boards on area recreation issues.

[41-25. Recreation area advisory boards-Created.]

[In each recreation area created pursuant to this article, there shall be one (1)
recreation area advisory board which shall serve as the representative body for such
area on recreation matters.]

[41-26. Same-Purpose; goals and opportunities.]

[The recreation area advisory boards shall encourage the development of
desirable recreational and park opportunities in the designated recreation areas of the
county, so that all the people may live enriched lives, find greater enjoyment and
happiness, have better mental health, greater physical vitality and deeper moral
strength. To accomplish this purpose, each board shall be concerned with the
following recreational goals and opportunities:]

[(a) Opportunities that reflect the interests and needs of recreation area
residents.]

[(b) Opportunities within the financial ability of all the people.]

[(c) Equality of opportunity for all people, regardless of race, origin,
religion, age or sex.]

[(d) Year-round opportunity for all ages and both sexes.]

185 [(e) A wide range and diversity of individual choices (e.g., camping, dance,
186 drama, athletics, fine arts, performing arts, games, music, social
187 recreation, crafts and special events).]

188 [(f) A balanced emphasis within the range of individual choices.]

189 [(g) Opportunities for varying degrees of skill.]

190 [(h) Opportunities for the individual, the family and groups.]

191 [(i) Opportunities for progressive advancement.]

192 [(j) Opportunities for creative expression.]

193 [(k) Active and passive opportunities.]

194 [(l) Opportunities that utilize other community resources.]

195 [(m) Relating opportunities to other community agencies.]

196 [(n) Opportunities for residents to participate in recreational planning.]

197 [(o) Assistance to individuals and groups seeking their own opportunities.]

198 [(p) Indoor and outdoor recreation opportunities centrally located and easily
199 accessible.]

200 [(q) Advice on the acquisition of open space to satisfy recreational pursuits,
201 prevent overcrowding, make the district a more attractive place to live,
202 conserve wooded areas and stream valleys, preserve historical,
203 geological and horticultural features, and preserve areas of natural
204 beauty.]

205 [(r) Recreation grounds and facilities based upon user interests and needs
206 and population ratio.]

207 **[41-27. Membership.]**

208 [(a) Each recreation area advisory board consists of 9 members and 2
209 alternates, each of whom resides in the designated recreation area. Each
210 member is appointed by the county executive, subject to confirmation
211 by the county council. Individual appointments to a board must reflect a

212 wide diversity of recreational interests. The Executive must consider
 213 geographical representation from different neighborhood centers in the
 214 recreation area. In order to maintain continuity on each recreation area
 215 advisory board, the Executive must appoint 3 members of each board
 216 annually and appoint the 2 alternates every 3 years. Each member serves
 217 3 years or until a successor is confirmed. A regular board member must
 218 not serve more than 2 consecutive full terms, but any member may be
 219 reappointed after a lapse of one year. A vacancy occurring before a term
 220 expires is filled for the remainder of the unexpired term of the
 221 predecessor. Appointments to unexpired terms are not a full term.]

222 [(b) When the Executive appoints an alternate member of a recreation area
 223 advisory board, the Executive must designate whether the appointee
 224 would serve as the primary or secondary alternate. Alternate members
 225 may participate in board discussions but must not vote unless acting for
 226 an absent board member. When a board member resigns, the first
 227 alternate becomes a full member for the remainder of the former
 228 member's term and the second alternate becomes the first alternate.]

229 [(c) A municipality with an active recreation program in a designated
 230 County recreation area may designate one or more representatives to
 231 serve as non-voting, ex officio members of the recreation area advisory
 232 board for that area.]

233 [(d) The members of each board serve without compensation. The
 234 department of recreation must designate a department employee to
 235 advise each board, and the director of the department must ask the
 236 Maryland-National Capital Park and Planning Commission to have a
 237 staff member present at meetings of each board.]

238 **[41-28. Same-Chairperson and vice-chairperson.]**

[The chairperson and vice-chairperson shall be elected by each recreation area advisory board from among its members. The term of the chairperson and vice-chairperson shall be one (1) year, and each shall be eligible for reelection for an additional one-year term. No chairperson or vice-chairperson shall serve consecutively for more than two (2) years.]

[41-29. Meetings; quorum.]

[Each recreation area advisory board meets in public session on call by the chairman as frequently as necessary to perform its duties, but not less than 10 times annually. Reasonable notice must be given for all meetings of the board. A majority of the members of the board is a quorum for the transaction of business, and a majority vote of those present at any meeting is required for any action taken by the board.]

[41-30. Duties.]

[Each board must advise the county recreation board, the county executive, the county council, the director of the county department of recreation, and the Montgomery County Planning Board about the appropriate number and nature of recreation programs, neighborhood and community parks, and facilities for leisure activities and the well-being of county residents. A board also may:]

[(a) Study and appraise the existing and future recreation needs of its recreation area in terms of program, facilities and services, and suggest plans to meet those needs.]

[(b) Provide general comments on annual budget requests for recreation and parks, programs and facilities.]

[(c) Support high standards in recreation leadership and in quality of program service.]

[(d) Encourage cooperation with other related agencies and assist in correlating community forces for the development of recreation and parks.]

[(e) Render advice on the design and layout of recreation grounds and facilities.]

[(f) Advise the county council on legislative and budgetary matters regarding recreation.]

[(g) Inform the Regional Citizens Advisory Board about matters related to recreation and parks, and collaborate with the Regional Board on planning, conservation, environment, and other issues that affect park and recreation facilities and services.]

41-25 – 41-30. Reserved.

Sec. 3. Sections 27-53 through 27-57, 27-61, and 27-63 are amended as follows:

Article VII. Multicultural Affairs Advisory Committee [for Ethnic Affairs].

27-53. Multicultural Affairs Advisory Committee [for Ethnic Affairs] – Established; membership; terms of membership; chairperson.

(a) [Establishing the Committee] *Established.* The County Executive must appoint, subject to confirmation by the Council, a Multicultural Affairs Advisory Committee [for Ethnic Affairs is established for an indefinite term].

(b) *Membership.*

[(1) All members must be appointed by the County Executive and confirmed by the County Council.

(2) There must be] The Committee has 26 members, of whom:

[(A)] (1) 14 are identified with ethnic groups in the County; and

290 [(B)] (2) 12 are identified with the general public, including the
 291 business and education communities.

292 (c) *Terms of members.* Each member must be appointed for a 3-year term
 293 that begins on April 1, except for a member appointed to complete an
 294 unexpired term. A member appointed to fill a vacancy serves the rest of
 295 the unexpired term. Each member continues in office until a successor
 296 is appointed and qualified.

297 (d) *Chairperson.* The Committee must elect a chairperson. The chairperson
 298 serves a one- year term, unless reelected.

299 **27-54. Responsibilities of the Committee.**

300 The Committee should:

301 (a) create a forum for all ethnic groups in the County, help to integrate
 302 diverse communities in the County, and identify existing and potential
 303 problems and possible solutions[.];

304 (b) advise the County Executive[, and County Council[, and the Office of
 305 Minority and Multicultural Affairs] on public policy that relates to
 306 ethnic affairs;

307 (c) emphasize the richness of the lingual and cultural diversity in the
 308 County, including the promotion of interaction and interchange among
 309 ethnic groups;

310 (d) advise the [Office of Minority and Multicultural Affairs] Executive or
 311 the Executive's designee about the organization of an annual heritage
 312 festival to celebrate ethnic diversity in the County;

313 (e) advise the [Office of Minority and Multicultural Affairs] Executive or
 314 the Executive's designee about ways [of introducing and welcoming] to
 315 introduce and welcome permanent and temporary residents from other

countries to the County and [integrating] integrate them into the community;

(f) advise the [Office of Minority and Multicultural Affairs] Executive or the Executive's designee about special needs of ethnic groups for public services, including interpreters, health, housing, employment, and education, and monitor any programs that provide these services;

(g) advise the [Office of Minority and Multicultural Affairs] Executive or the Executive's designee about providing information in as many languages as possible;

(h) advise the [Office of Minority and Multicultural Affairs] Executive or the Executive's designee about promoting involvement of all ethnic groups in the government, business, and community affairs of the County; [and]

(i) communicate with the Maryland State Ethnic Heritage Commission and other comparable public and private organizations[.]; and

(j) address issues relating to hate/violence in the County, including:

(1) develop and distribute information about hate/violence in the County;

(2) advise the Council, the Executive, and County agencies about hate/violence in the County, and recommend policies, programs, legislation, or regulations necessary to reduce the incidence of acts of hate/violence; and

(3) establish a subcommittee, with members designated by the Executive under Section 27-26(a)(4), to manage the Partnership Fund for Victims of Hate/Violence.

* * *

27-55. Annual ethnic heritage festival.

(a) The [Office of Minority and Multicultural Affairs] Executive or the Executive's designee must:

- (1) organize an annual ethnic heritage festival; and
- (2) provide for citizen participation in the festival planning.

(b) The Committee should assist the [Office of Minority and Multicultural Affairs] Executive or the Executive's designee in planning the festival.

27-56. Reports.

(a) By December 1 each year, the Committee must report to the County Executive[, and the County Council[, and the Office of Minority and Multicultural Affairs].

(b) The report must include:

- (1) a summary of the activities, accomplishments, plans, and objectives of the Committee[.]; and
- (2) the source and amount of any contribution received to support the Committee's activities.

27-57. Committee support.

The [Office of Minority and Multicultural Affairs] Executive or the Executive's designee must provide appropriate support to assist the Committee in its work.

27-61. [Reserved] Contributions.

The Committee may solicit and accept contributions from public and private sources to support the activities of the Committee, notwithstanding any provision of Chapter 19A to the contrary. Committee staff must not solicit or accept contributions for the Committee, but may be assigned administrative tasks related to Committee fundraising.

[27-63. Committee on Hate/Violence.]

[(a) *Members.* The County Executive must appoint, subject to confirmation by the County Council, a Committee on Hate/Violence. The Committee consists of 15 voting members and 6 ex-officio nonvoting members. Each voting member must, when appointed, reside in the County.

(1) *Voting members.* The voting members must broadly reflect the geographic, economic, and social diversity of the County.

(A) At least 9 voting members should be identified with ethnic or other groups in the County frequently subject to acts of hate/violence.

(B) At least 2 voting members should be parents of school-age children.

(C) At least one voting member should be identified with the County business community.

(2) *Nonvoting members.* The County Council, County Executive, Department of Police, Commission on Human Rights, Montgomery County Public Schools, and Montgomery College, should each designate an ex-officio nonvoting member of the Committee.

(3) *Term.* Each voting member serves a 3-year term. A voting member must not serve more than 2 consecutive full terms. A member appointed to fill a vacancy serves the rest of the unexpired term. Members continue in office until their successors are appointed and qualified.

(4) *Compensation.* Voting members receive no compensation for their services.

(5) *Removal.* The County Executive, with the consent of the County Council, may remove a voting member for neglect of or inability to perform the duties of the office, misconduct in office, or serious violation of law. Before the Executive removes a member, the Executive must give the member notice of the reason for removal and a fair opportunity to reply. Section 2-148(c) applies only to voting members of the Commission.]

[(b) *Chair and Vice Chair.* The Committee must annually elect one voting member as chair and another as vice chair, and may elect other officers.]

[(c) *Meetings.* The Committee meets at the call of the chair as often as required to perform its duties, but at least 10 times each year. The Committee must also meet if a majority of the voting members file a written request for a meeting with the chair at least 7 days before the proposed meeting. A majority of the voting members are a quorum for the transaction of business, and a majority of the voting members present at any meeting may take any official action.]

[(d) *Staff.* The Office of the Commission on Human Rights must provide the Committee with staff, offices, and supplies as are appropriated for it.]

[(e) *Duties.* The Committee must:

- (1) adopt rules and procedures as necessary to perform its functions;
- (2) keep a record of its activities and minutes of all meetings, which must be kept on file and open to the public during business hours upon request;
- (3) develop and distribute information about hate/violence in the County;
- (4) promote educational activities that demonstrate the positive value of ethnic and social diversity in the County;

- 421 (5) advise the County Council, the County Executive, and County
 422 agencies about hate/violence in the County, and recommend
 423 policies, programs, legislation, or regulations necessary to reduce
 424 the incidence of acts of hate/violence;
- 425 (6) submit an annual report by October 1 to the Executive and
 426 Council on the activities of the Committee, including the source
 427 and amount of any contribution received to support the activities
 428 of the Committee; and
- 429 (7) establish a subcommittee, with members designated by the
 430 Executive under Section 27-26(a)(4), to manage the Partnership
 431 Fund for Victims of Hate/Violence.]

432 [(f) *Contributions.* The Committee may solicit and accept contributions
 433 from public and private sources to support the activities of the
 434 Committee notwithstanding any provision of Chapter 19A to the
 435 contrary. Committee staff must not solicit or accept contributions for
 436 the Committee, but may be assigned administrative tasks related to
 437 Committee fundraising.]

438 **Sec. 4. Transition.**

- 439 (a) In appointing the initial members of the Agricultural Advisory
 440 Committee established in County Code §2B-20, inserted by Section 1 of
 441 this Act, the County Executive must appoint the current members of the
 442 Agricultural Preservation Advisory Board to the Agricultural
 443 Preservation Advisory Subcommittee to serve the remainder of their
 444 terms.
- 445 (b) In appointing the initial members of the Agricultural Advisory
 446 Committee established in County Code §2B-20, inserted by Section 1 of
 447 this Act, the Executive must appoint the current members of the Rustic

448 Roads Advisory Committee to the Rustic Roads Advisory
449 Subcommittee to serve the remainder of their terms.

450 (c) The Executive may continue the term of any member who currently
451 serves on the Agricultural Advisory Committee, but the Agricultural
452 Advisory Committee must not exceed 19 members.

453 (d) The Executive may stagger the initial terms of appointed members so
454 that approximately one-third of the terms expire each year.

455 *Approved:*

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Philip M. Andrews, President, County Council	Date
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457 *Approved:*

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Isiah Leggett, County Executive	Date
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459 *This is a correct copy of Council action.*

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Linda M. Lauer, Clerk of the Council	Date
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